

1 **LAW OFFICES OF RONALD A.**
2 **MARRON, APLC**
3 RONALD A. MARRON (175650)
4 *ron.marron@gmail.com*
5 MAGGIE REALIN (2632639)
6 *maggie.realin@yahoo.com*
7 B. SKYE RESENDES (278511)
8 *skye.esq@gmail.com*
9 3636 4th Avenue, Suite 202
10 San Diego, California 92103
11 Telephone: (619) 696-9006
12 Facsimile: (619) 564-6665

1 **WILSON SONSINI GOODRICH &**
2 **ROSATI**
3 KEITH E. EGGLETON (159842)
4 COLLEEN BAL (167637)
5 DALE R. BISH (235390)
6 AMIR STEINHART (275037)
7 650 Page Mill Road
8 Palo Alto, CA 94304
9 Telephone: (650) 493 9300
10 Facsimile: (650) 565 5100

Attorneys for Defendant

1 **THE WESTON FIRM**
2 GREGORY S. WESTON (239944)
3 *greg@westonfirm.com*
4 JACK FITZGERALD (257370)
5 *jack@westonfirm.com*
6 MELANIE PERSINGER (275423)
7 *mel@westonfirm.com*
8 COURTLAND CREEKMORE (182018)
9 *courtland@westonfirm.com*
10 1405 Morena Blvd., Suite 201
11 San Diego, CA 92110
12 Telephone: (619) 798-2006
13 Facsimile: (480) 247-4553

Class Counsel

1 **UNITED STATES DISTRICT COURT**
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 IN RE FERRERO LITIGATION

4 Case No. 3:11-cv-00205-H-CAB
5 Pleading Type: Class Action

6 **NOTICE OF MOTION AND JOINT *EX PARTE* APPLICATION**
7 **FOR AN ORDER (1) GRANTING PRELIMINARY APPROVAL**
8 **OF CLASS ACTION SETTLEMENT; (2) CONFIRMING**
9 **CERTIFICATION OF THE CLASS; (3) APPROVING CLASS**
10 **NOTICE PLAN; AND (4) SETTING FINAL APPROVAL**
11 **HEARING**

12 Judge: The Honorable Marilyn L. Huff

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiffs Athena Hohenberg and Laura Rude-Barbato and
3 Defendant Ferrero USA, Inc., will, and hereby do, respectfully jointly apply to the Court for an Order
4 (i) Granting preliminary approval of Class Action Settlement; (ii) Confirming certification of the Class;
5 (iii) Approving Class Notice plan; and (iv) Setting final approval hearing.

6 This Application is based on this Notice of Motion, Plaintiffs' accompanying Memorandum of
7 Points and Authorities; the accompanying Declaration of Gregory S. Weston ("Weston Decl."); and all
8 other pleadings and papers on file in this action.

9 DATED: January 19, 2012

Respectfully Submitted,

10 /s/ Gregory S. Weston

11 Gregory S. Weston

/s/Dale R. Bish

Dale R. Bish

12 **THE WESTON FIRM**
13 GREGORY S. WESTON
14 JACK FITZGERALD
15 MELANIE PERSINGER
16 COURTLAND CREEKMORE
17 1405 Morena Blvd., Suite 201
San Diego, CA 92110
Telephone: 619 798 2006
Facsimile: 480 247 4553

18 **WILSON SONSINI GOODRICH &**
ROSATI
Professional Corporation
KEITH E. EGGLETON (159842)
COLLEEN BAL (167637)
DALE R. BISH (235390)
AMIR STEINHART (275037)
650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493 9300
Facsimile: (650) 565 5100

19 **LAW OFFICES OF RONALD A.**
MARRON, APLC
RONALD A. MARRON
MAGGIE REALIN
B. SKYE RESENDES
3636 4th Street, Suite 202
San Diego, CA 92103
Telephone: 619 696 9066
Facsimile: 619 564 6665

Attorneys for Defendant Ferrero

20
21
22
23 **Class Counsel**
24
25
26
27
28